



Thomas T. Moga
HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

In re Application of
John W. Wong et al
Application No.: 09/424,431
PCT No.: PCT/US98/10389
Int. Filing Date: 22 May 1998
Priority Date: 22 May 1997
Attorney Docket No.: 2873-000022/USA
For: METHOD AND APPARATUS FOR
DELIVERED RADIATION THERAPY DURING
SUSPENDED VENTILATION

DECISION ON
REQUEST UNDER
37 CFR 1.48(a)

This is a decision on applicants' "Renewed Request Under 37 CFR 1.48" filed on 16 April 2001, naming an additional inventor in the executed declaration.

BACKGROUND

In a decision of this Office on 13 February 2001, the decision stated that the application had satisfied requirements (1)-(3) of 37 CFR 1.48. However, requirement (4) of 37 CFR 1.48(a) was not satisfied because no copy of the executed assignment had been submitted with the papers filed.

On 16 April 2001, applicants filed the instant renewed request.

DISCUSSION

A request under 37 CFR 1.48(a) must include:

- (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or 1.47;
- (3) the fee set forth in § 1.17(I); and
- (4) written consent of the assignee in compliance with 37 CFR 3.73(b), if an assignment has been executed by any of the original named inventors.

The 16 March 1999 and 09 November 2000 petitions have satisfied requirements (1) - (3). The renewed petition has satisfied requirement (4).


In regards to requirement (4), Mr. McAskin's has submitted a true copy of the executed assignment of 17 February 2000 in favor of William Beaumont Hospital and have established their right to take action under 37 CFR §3.73(b).


Accordingly, the applicants are deemed to satisfy requirement (1)-(4) under 37 CFR 1.48(a).

CONCLUSION

For the reasons above, the REQUEST under 37 CFR 1.48(a) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, including the preparation and mailing of a Notification of Acceptance (Form PCT/DO/EO/903). The 35 USC 371 date of this application is **16 March 2000**.


Rafael Bacares
PCT Legal Examiner
PCT Legal Office


Leonard E. Smith
PCT Legal Examiner
PCT Legal Office

Telephone: (703) 308-6312
Facsimile: (703) 308-6459